

U.S. Department of Labor

Office of Administrative Law Judges  
1111 20th Street, N.W.  
Washington, D.C. 20036



.....  
In the Matter of .  
.  
DEPARTMENT OF LABOR .  
.  
v. .  
.  
COMMUNITY RELATIONS-SOCIAL .  
DEVELOPMENT COMMISSION .  
.....

Case No. 84-JTP-18

USDOL  
ALJ LAW LIBRARY

ORDER DISMISSING APPEAL

On September 28, 1984 the Community Relations-Social Development Commission, hereafter CR-SDC, filed an "appeal" from a "final determination" of the Grant Officer which had not yet been made. The reason for this highly unusual step was the provision of the Job Training Partnership Act which repealed the Comprehensive Employment and Training Act and in so doing barred any administrative proceeding not commenced prior to September 30, 1984. It is clear, however, that the filing of an appeal to a Grant Officer is the commencement of an administrative proceeding and that there is no basis for CR-SDC's presumption that "administrative proceeding" refers only to proceedings before the Office of Administrative Law Judges. The attached letter from Steven M. Singer, Regional Administrator for the Employment and Training Administrative, dated October 3, 1984 takes the same position as underlies this Order: namely, that an appeal to a Grant Officer filed before September 30, 1984 is the "commencement of an administrative proceedings." The Administrator would be estopped from asserting the contrary in this proceeding and in the event that any such attempt might be successful, this Order of Dismissal is hereby declared to be without prejudice.

In passing I will not that there never has been and may never be a decision of the Grant Officer in this case which could be the subject of a proper proceeding before this Office since his proposals in the attachment to this Order may result in resolution of this matter without his decision.

ORDER

The appeal of the Community Relations-Social Development Commission in this case is hereby dismissed.

It is noted that this case should have been designated as a CETA case and not a JTP case.

  
CHARLES P. RIPPEY  
Administrative Law Judge

Attachments

Dated: 7 NOV 1984  
Washington, D.C.

E-ALJ-000326

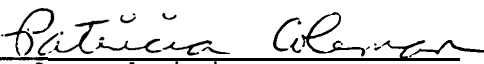
**CERTIFICATE OF SERVICE**

Case Name: **DOL v. Community Relations-Social Development**  
Commission

Case No.: 84-JTP-18

Title of Document: Order Dismissing Appeal

I certify that the above-mentioned document was mailed to the following parties:

  
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U.S. Department of Labor

Employment and Training Administration  
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Reply to the Attention of: 5 TGE-F

OCT 03 1984

Honorable Nahum Litt  
Chief Administrative Law Judge  
U.S. Department of Labor  
Vanguard Building, Room 700  
1111 20th Street, N.W.  
Washington, D.C. 20036

Dear Judge Litt:

An appeal was submitted to your office dated September 28, 1984 on behalf of the Community Relations - Social Development Commission (CR-SDC) of Milwaukee, Wisconsin. The appeal was submitted by Mr. James L. Feldesman who is representing CR-SDC.

It was indicated in the appeal letter that a final determination had not yet been received from the Grant Officer. The appeal was filed due to Mr. Feldesman's opinion that Section 181(e) of the Job Training Partnership Act (JTPA) had the effect of barring any CETA related administrative proceeding which was not commenced prior to October 1, 1984.

Mr. Feldesman's appeal to your office appears to be an unnecessary precaution as the appeal to the Grant Officer was received September 18, 1984. The enclosure is the Grant Officer's response to that appeal. The response summarizes the issues and outlines a course of action for informal resolution inasmuch as there appeared to be no substantive disagreement between CR-SDC and the Milwaukee County prime sponsor.

In summary, at this time we do not expect to be involved in resolution of this matter as a complaint between CR-SDC and the Milwaukee County CETA prime sponsor. As our correspondence (attached) indicates, the problem here appears simply to be a technical one involving late billing.

Sincerely,

A handwritten signature in dark ink, appearing to read "Steven M. Singer", written over the typed name.

STEVEN M. SINGER  
Regional Administrator

Enclosure (1)

5	TGBF	UNIT	PERSON,	DATE
	STGBF		REU	9/25/84
	5TGB		5-10000	9/25/84
	STB		THU	9/25
			Jul	9

A. Hechman

Region V CETA Letter No. 83-11 (3/31/83),  
Q&A-14 and Change #3 (7/5/83),  
Q&A-37.

It is our recommendation that you discuss this matter further with the Milwaukee County Prime Sponsor to determine if resolution can be reached through a late billing transaction. We will not begin processing a formal appeal until this avenue is explored.

Any questions you have on this matter may be directed to Mr. Jim Kinney at (312) 353-1827.

Sincerely,

**MELVIN J. HOWARD**  
Grant Officer

cc: Milwaukee County

5 TGBF-CC R. WAMBACH:ss 9-24-84